



San Diego County Water Authority

4677 Overland Avenue • San Diego, California 92123-1233
(858) 522-6600 FAX (858) 522-6568 www.sdcwa.org

MEMBER AGENCIES

- Carlsbad Municipal Water District
- City of Del Mar
- City of Escondido
- City of National City
- City of Oceanside
- City of Poway
- City of San Diego
- Fallbrook Public Utility District
- Helix Water District
- Lakeside Water District
- Olivenhain Municipal Water District
- Otay Water District
- Padre Dam Municipal Water District
- Camp Pendleton Marine Corps Base
- Rainbow Municipal Water District
- Ramona Municipal Water District
- Rincon del Diablo Municipal Water District
- Son Dieguillo Water District
- Santa Fe Irrigation District
- South Bay Irrigation District
- Vallecitos Water District
- Valley Center Municipal Water District
- Vista Irrigation District
- Yuima Municipal Water District
- OTHER REPRESENTATIVE
County of San Diego

August 9, 2017

VIA U.S. Mail and Email

Marcia Scully, Esq.
General Counsel
Metropolitan Water District of Southern California
P.O. Box 54153
Los Angeles, CA 90054

Re: PRA Request of October 6, 2016

Dear Ms. Scully:

On October 16, 2016, the Water Authority sent a Public Records Act request to MWD, a copy of which is attached as Exhibit "A". The letter specifically requested all appraisals of any of the Delta Island properties MWD bought last year:

1. All appraisals for any of the "Property", as that term is identified in section 1.1 of the "PURCHASE AND SALE AGREEMENT AND JOINT ESCROW INSTRUCTIONS" made and entered into as of April 8, 2016, by and between Delta Wetlands Properties and The Metropolitan Water District of Southern California.

In response to this request, MWD produced a number of documents, but no appraisals. I was very surprised that MWD had made such a costly land purchase without a single appraisal, and so I wrote to Bryan Otake (the MWD staff member who had responded to the production request; copy attached as Exhibit "B"), and asked this question:

Bryan, thanks much for the response. I see no formal appraisals in the production. Is it correct that MWD has no actual appraisals in its possession for any of the Delta Islands it purchased? Just want to confirm we are not missing something.

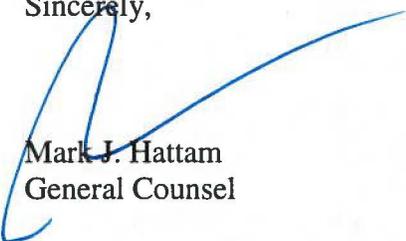
In response, Mr. Otake wrote me back and confirmed that MWD had no appraisals in its possession. (Exhibit "C").

Marcia Scully
August 9, 2017
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Given this history, I was very surprised to learn that last night, in responding to questions from the Rincon del Diablo Municipal Water District Board of Directors, MWD General Manager Jeff Kightlinger said, as to the Delta Islands properties: “[T]here was an appraisal that was four years old on it.” Mr. Kightlinger then went on to explain that it was the MWD Board of Directors, not MWD staff, who made the decision "another" appraisal was not necessary.

Demand is hereby made that MWD immediately produce the appraisal identified by Mr. Kightlinger, which clearly should have been produced last year pursuant to our PRA request. The PRA request was not limited to recent appraisals, or appraisals MWD performed, but “All appraisals for any of the ‘Property,’”

Sincerely,



Mark J. Hattam
General Counsel

Cc: Water Authority Board of Directors
MWD Board of Directors
Ms. Maureen Stapleton
Mr. Jeffrey Kightlinger

EXHIBIT A



San Diego County Water Authority

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(858) 522-6600 FAX (858) 522-6568 www.sdcwa.org

October 6, 2016

MEMBER AGENCIES

- Carlsbad Municipal Water District
- City of Del Mar
- City of Escondido
- City of National City
- City of Oceanside
- City of Poway
- City of San Diego
- Fallbrook Poudre Utility District
- Fella Water District
- Jareds Water District
- Chickamauga Municipal Water District
- City Water District
- Parish Dam Municipal Water District
- Camp Pendleton Marine Corps Base
- Rainbow Municipal Water District
- Rancho Municipal Water District
- Escondido Delta Municipal Water District
- San Diego Water District
- Santa Fe Irrigation District
- Seven Bay Irrigation District
- Vallejos Water District
- Valley Center Municipal Water District
- Water Irrigation District
- Yuma Municipal Water District

Ms. Dawn Chin
Board Executive Secretary
Metropolitan Water District of Southern California
P.O. Box 54153
Los Angeles, CA 90054-0153

Re: Request for Records Under California Public Records Act
(California Gov. Code § 6250 et seq.)

Dear Ms. Chin:

This letter constitutes a request under the California Public Records Act for the following materials:

- 1. All appraisals for any of the "Property," as that term is identified in section 1.1 of the "PURCHASE AND SALE AGREEMENT AND JOINT ESCROW INSTRUCTIONS" made and entered into as of April 8, 2016, by and between Delta Wetlands Properties and The Metropolitan Water District of Southern California.**
- 2. All closing escrow statement(s) for any of the Property (as identified in #1 above) purchased by Metropolitan Water District of Southern California under the "PURCHASE AND SALE AGREEMENT AND JOINT ESCROW INSTRUCTIONS" made and entered into as of April 8, 2016, by and between Delta Wetlands Properties and The Metropolitan Water District of Southern California.**

Please let me know immediately what the cost will be of photocopying these materials so we may issue payment. If you have any questions, please call me. Thank you.

Sincerely,

Mark J. Hattam
General Counsel

cc: MWD Public Records Administrator (by email at pradministration@nwdh2o.com)

A public agency providing a safe and reliable water supply to the San Diego region

EXHIBIT B

From: Hattam, Mark [mailto:MHattam@sdcwa.org]

Sent: Monday, October 17, 2016 7:46 AM

To: Otake, Bryan M

Cc: Thompson, Frances

Subject: RE: Response to Your Request for Records Under the California Public Records Act (Delta Islands Transaction)

Bryan, thanks much for the response. I see no formal appraisals in the production. Is it correct that MWD has no actual appraisals in its possession for any of the Delta Islands it purchased? Just want to confirm we are not missing something.

Mark J. Hattam
General Counsel
San Diego County Water Authority
4677 Overland Avenue
San Diego, CA 92123
(858) 522-6791
mhattam@sdcwa.org

EXHIBIT C

From: Otake, Bryan M [mailto:BOtake@mwdh2o.com]

Sent: Monday, October 17, 2016 9:17 AM

To: Hattam, Mark

Cc: Thompson, Frances; Nagai, Carol A

Subject: RE: Response to Your Request for Records Under the California Public Records Act (Delta Islands Transaction)

Dear Mark,

It is correct that there were no formal appraisals. Only valuations and comparable studies were undertaken by staff.

Bryan Otake
Senior Deputy General Counsel
Metropolitan Water District of Southern California
P.O. Box 54153
Los Angeles, California 90054-0153

213-217-6327 p
213-217-6890 f
botake@mwdh2o.com

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